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February 20, 2023

**VIA CM/ECF**

Hon. William M. Skretny, USDJ  
U.S. District Court, WDNY  
2 Niagara Square  
Buffalo, New York 14202

Re: E/O Jose Hernandez-Rossy v. City of Buffalo et al.  
U.S. District Court, WDNY Case No. 1:17-CV-0937

Dear USDJ Skretny:

The Cross-Motions for Summary Judgment in the above referenced lawsuit are currently pending, having been taken under advisement by the Court. The purpose of this writing is to alert the Court and the other parties of new evidence that has been recently filed with the U.S. District Court, WDNY in a separate lawsuit against the defendant City of Buffalo (*see*, Black Love Resists v. City of Buffalo, et al. WDNY Case no. 1:18-cv-00719-CCR). The evidence below is relevant to some of the claims pending in the instant case against the defendant City and the defendant officers.

The new evidence was derived from car stop data from the defendant City of Buffalo records and relates to the disproportionate percentage of traffic stops conducted on minorities, and the disproportionate number of traffic citations issued to minorities by the BPD Housing and Strike Force units in which defendants Tedesco and Aquino worked at the time of this car stop. This car stop data was not provided to plaintiff in discovery by the defendant earlier in this litigation. Therefore, the plaintiff requests that the Court consider the following evidence on the pending motions as it relates to the city defendants. The below links are to the Attorney Declaration (Doc 148-8), and the three (3) referenced exhibits (Doc 148-9; Doc 148-10 and Doc 148-11):

<https://ecf.nywd.uscourts.gov/doc1/12915901243>  
<https://ecf.nywd.uscourts.gov/doc1/12915901244>  
<https://ecf.nywd.uscourts.gov/doc1/12915901245>  
<https://ecf.nywd.uscourts.gov/doc1/12915901246>

Thank you for the further very kind attention of the Court to these matters.

Respectfully yours,

*s/Nelson S. Torre*

NELSON S. TORRE  
NST/kc

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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MARGARITA ROSSY, as Administrator of the  
ESTATE OF JOSE HERNANDEZ-ROSSY

Plaintiff,

-vs-

Case No. 17-CV-00937S

CITY OF BUFFALO, and its agents, servants and employees, and  
BUFFALO POLICE DEPARTMENT P.O. JUSTIN TEDESCO,  
BUFFALO POLICE DEPARTMENT P.O. JOSEPH ACQUINO,  
and POLICE COMMISSIONER DANIEL DERENDA,  
Individually and in their representative capacities, and  
AMERICAN MEDICAL RESPONSE d/b/a "AMR"  
And its agents, servants and employees,

Defendant.  
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**Certificate of Service**

I hereby certify that that I am an employee of the Law Office of Nelson S. Torre, Esq., on February 21, 2023, I electronically filed the foregoing Letter with the Clerk of the District Court using its CM/ECF system, which would then electronically notify the following CM/ECF participants on this case:

1. TIMOTHY S. BRENNAN  
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65 Niagara Square  
Buffalo, NY 14202

s/ Kathy B. Crespo Rivera

KATHY B. CRESPO RIVERA